

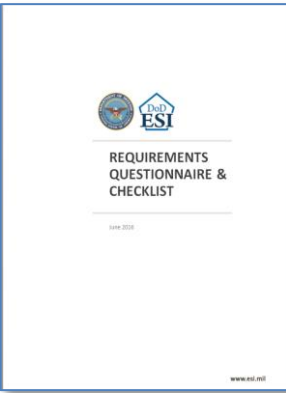



Catalog of Tools Available from DoD ESI

September 2016

The following catalog lists tools that are currently available from DoD ESI and provides a synopsis and the link for each.

CHECKLISTS & WHITE PAPERS

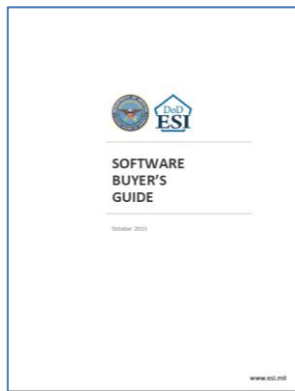
	TOOL / ASSET TITLE & LINK	DESCRIPTION
	<p>Requirements Questionnaire & Checklist</p> <p>http://www.esi.mil/contentview.aspx?id=727</p>	<p>This Requirements Questionnaire and Checklist has been assembled to organize sample questions each program should ask when developing its formal requirements documentation for a commercial off the shelf (COTS) software project. This is not an exhaustive list, but a broad sampling of the types of questions that should be considered before and during Market Research and Solution Analysis.</p>
	<p>Advisory Note – Virtual De-install</p> <p>http://www.esi.mil/contentview.aspx?id=728</p>	<p>This advisory note covers three common scenarios where the Government may need to protect itself by requiring contractual language, providing sample language that allows for a virtual de-installation or a physical migration under the original government contract number and license number.</p>



Software Buyer's Checklist

<http://www.esi.mil/download.aspx?id=4691>

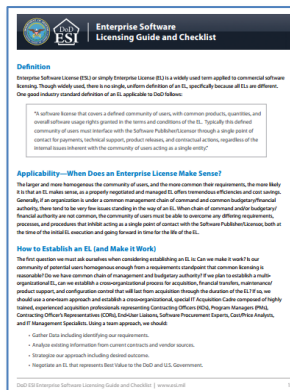
This checklist was compiled to provide a standardized set of steps to follow when using the ESI Enterprise Software Agreements (ESAs) and Enterprise License Agreements (ELAs). It is not an exhaustive list and it should not be the only tool used to determine compliance with DoD acquisition regulations. It is a checklist to use as a starting point and not to replace individual Procurement Office's guidance.



Software Buyer's Guide

<http://www.esi.mil/contentview.aspx?id=741>

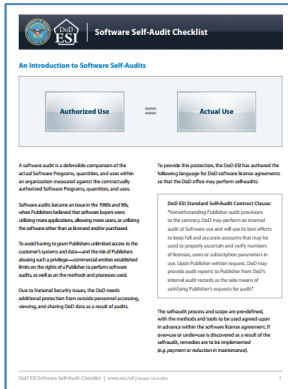
This guide was compiled to provide a standardized set of steps to follow when using the ESI contract vehicles. It is not an exhaustive list and should not be the only tool used to determine compliance with DoD acquisition regulations. It is a best practices guide to use as a starting point and not to replace your Procurement Office's guidance.



Enterprise Software Licensing Guide and Checklist

[http://www.esi.mil/Uploads/DoD-ESI Enterprise-Licensing Checklist.pdf](http://www.esi.mil/Uploads/DoD-ESI%20Enterprise-Licensing%20Checklist.pdf)

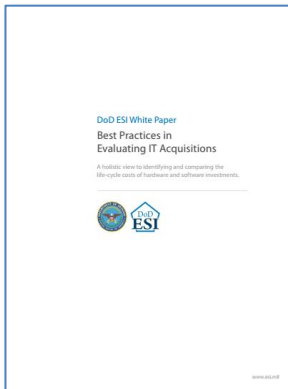
This checklist walks you through the definition of an Enterprise License and all of its components to help you determine whether or not an Enterprise License (EL) will meet your organization's needs. An EL is an organization-wide software license that provides common usage rights to a population of users, while interfacing with the Software Publisher/Licensor under a single point of contact. The EL is customized to the organization's requirements. To establish an EL, a team approach should be undertaken, utilizing functional expertise from within the Government, and approached in a manner that achieves Best Value.



Software Self-Audit Checklist

<http://www.esi.mil/Uploads/DoD-ESI Self-Audit Checklist.pdf>

DoD ESI developed this Self-Audit Checklist to assist DoD in performing internal license compliance audits and with keeping full and accurate accounts that may be used to properly ascertain and verify numbers of licenses, users or subscription parameters in use. A software audit is a defensible comparison of the actual software programs, quantities, and uses within an organization measured against the contractually authorized software programs, quantities, and uses.



Best Practices in Evaluating IT Acquisitions - White Paper

<http://www.esi.mil/download.aspx?id=5095>

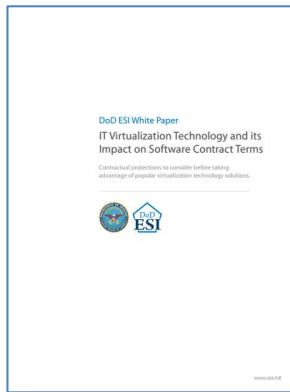
This paper illustrates commercial best practices for estimating the costs of implementing commercial software and related services. However, the underlying methodology – utilizing a framework of team involvement and total cost analysis - is applicable to all types of IT acquisitions and is in support of the DoD ESI. This paper provides details and examples on how to identify the key components of your acquisition and the costs associated with them to help you determine whether or not the acquisition will be beneficial to your organization. Cost estimating tools and guides are also provided to accompany this insightful paper.



Software Maintenance Negotiations Best Practices - White Paper

<http://www.esi.mil/download.aspx?id=5096>

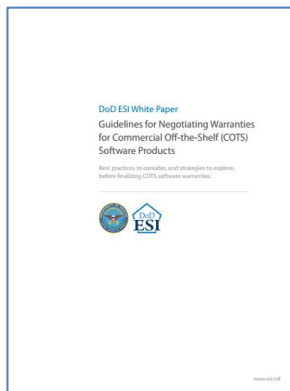
The paper provides practical guidance for the negotiation of software maintenance and support agreements. It offers a roadmap to gather, analyze, strategize and negotiate the best terms and price for maintenance agreements incorporating best practices from the commercial sector as well as DoD ESI's 16 years of experience.



IT Virtualization Technology and its Impact on Software Contract Terms - White Paper

<http://www.esi.mil/download.aspx?id=5097>

This paper provides a good foundation for any DoD software acquisition personnel facing the prospect of dealing with virtualized computing environments - particularly off-site virtualization. It includes a brief background of the technology and how it differs from traditional computing installations. And, it addresses key contractual issues arising from those differences.

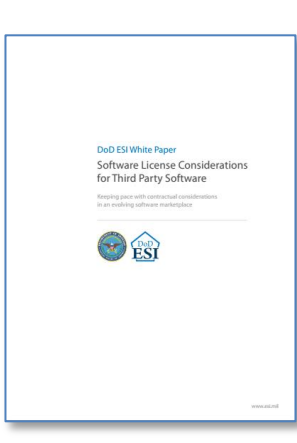





Negotiating Warranties for COTS Products - White Paper


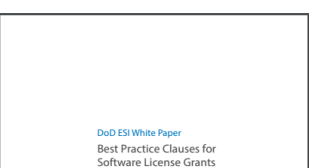
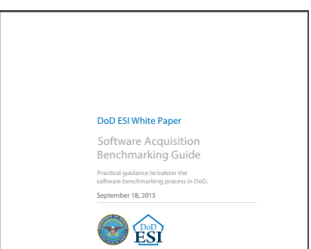
<http://www.esi.mil/download.aspx?id=5001>

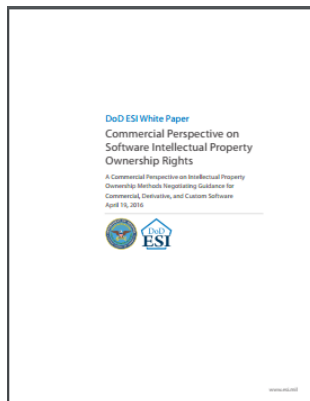
The purpose of this white paper is to educate readers on key aspects of commercial off-the-shelf (COTS) software warranties. Key aspects include:

- Commercial Product Warranties in the U.S.
- Key Elements of a Commercial Software License Warranty
- Government Standard Software Warranty (GSSW) Clause
- Applying the Federal Acquisition Regulation (FAR) to Commercial Software Warranties
- Comparing Software Maintenance and Warranties
- License Agreements with Resellers and the Lack of Privity
- Licensors' Positions on Software Warranties

	<p>Third Party Software - White Paper</p> <p>http://www.esi.mil/download.aspx?id=3475</p>	<p>This paper provides insight and guidance when licensing commercial software from one party that may contain code that belongs to a third party. It discusses options for dealing with the original licensor when the third party software is embedded in their solution or when the third party software is acquired separately from the original license. Key license terms and conditions are discussed and sample contract language is provided.</p>
	<p>Best Practices for Negotiating Cloud-Based Software Contracts - White Paper</p> <p>http://www.esi.mil/download.aspx?id=4783</p>	<p>This paper addresses the key contractual concepts to focus on when negotiating a public cloud, Software-as-a-Service (SaaS) delivery model versus a traditional on-premises software delivery model. Under both models, use rights are still granted, but there are variations of the software use terms and conditions, especially in areas such as licensing and costs.</p>
	<p>Considerations for Open Source Software Use - White Paper</p> <p>http://www.esi.mil/download.aspx?id=4785</p>	<p>Open Source Software is widely distributed and used in several ways—as stand-alone software applications, for internal software development projects, and as part of commercially available software applications. This paper addresses some of the key policy and contract protections Government should consider when obtaining Open Source Software directly (as a stand-alone application or for use in development projects), or indirectly (because it is embedded in Commercial Software applications). The appeal of potentially lower costs and ease of use associated with Open Source is balanced against the potential pitfalls.</p>

	<p>Service Level Agreement Best Practices and Contractual Considerations - White Paper</p> <p>http://www.esi.mil/download.aspx?id=4770</p>	<p>This white paper discusses what happens after a contract has been won and signed, defines the important questions an enterprise should ask itself to mitigate risk, and details the benefits of a robust Service Level Agreement (SLA). It also identifies the different types of SLAs, and speaks to what each section of a well-defined SLA should contain in order for both parties to have a clear understanding of what is to be expected. The paper also covers SLAs dealing specifically with Cloud Service Providers, as well other service types.</p>
	<p>How to Order Software Using DoD ESI Contract Vehicles - White Paper</p> <p>http://www.esi.mil/contentview.aspx?id=604</p>	<p>This white paper describes the process buyers should follow once they have determined to fulfill their requirement through the DoD ESI Blanket Purchase Agreements (BPAs). It is important to note that ESI does not dictate the products or services to be acquired.</p>
	<p>Is Commercial Off-the-Shelf Software Maintenance a Supply or Service? - White Paper</p> <p>http://www.esi.mil/contentview.aspx?id=721</p>	<p>This White Paper explains whether software maintenance is considered a supply or a service, defines why the differentiation is important, and describes the issues that may arise from differing opinions. The resource also clarifies the various laws, regulations, concepts, and practices to help the reader make his or her own determination. Additionally, this paper discusses how software maintenance is to be considered when being purchased through various purchasing vehicles, how the FAR differentiates it, and how the Government classifies it.</p>

 <p>Disclaimer: The content of this paper is not provided as legal advice, but rather as general information designed to point out some of the issues and considerations involving commercial software warranties.</p> <p>This Executive Summary of the Warranties White Paper addresses topics of interest to government executives and procurement professionals responsible for drafting software license warranties. The following questions and answers provide a framework for the discussion:</p> <ol style="list-style-type: none"> What are the types, purposes, and elements of commercial product warranties? Commercial product warranties allow buyers to know that products they buy will meet certain operational performance, and describe the seller's obligation when products don't meet those standards. In general, there are two types of warranties—implied and express. What are the commercial best practices that should be used for government software license warranties? Commercial best practices based on the four attributes of express warranties are summarized in Table A – Commercial Best Practices. These guidelines form the basis for a potential Government Standard Software Warranty (GSSW). How will Publishers likely react to the proposed government warranty? The most controversial aspects of a potential GSSW are Articles 41, 42, 43, 44, 45, and 46, which constitute the warranty period. <p>Article 41, 42, 43, 44, 45, and 46. A standard commercial software warranty requires the product will perform in accordance with the documentation. The GSSW allows a much broader and deeper product performance and capability definition. The Publisher GSSW creates a "non-standard" warranty from the Publisher's perspective.</p> <p>www.esi.mil</p>	<p>Guidelines for Negotiating Warranties for Commercial-off-the-Shelf (COTS) Products Executive Summary – White Paper</p> <p>http://www.esi.mil/contentview.aspx?id=591</p>	<p>The purpose of this white paper is to educate readers on key aspects of Commercial-Off-the-Shelf (COTS) software warranties.</p> <p>The executive summary addresses topics of interest to government executives and procurement professionals responsible for drafting software license warranties.</p>
 <p>www.esi.mil</p>	<p>Best Practice Clauses for Software License Grants – White Paper</p> <p>http://www.esi.mil/contentview.aspx?id=744</p>	<p>This White Paper provides summary information about important contract issues.</p> <p>This information is not intended to be legal advice, but rather is designed to share best practices, highlight potential concerns, present recommendations for managing those concerns and encourage further research or discussions with legal counsel.</p>
 <p>www.esi.mil</p>	<p>Software Acquisition Benchmarking – White Paper</p> <p>http://www.esi.mil/contentview.aspx?id=753</p>	<p>This document will focus on Software Price Benchmarking and will address the process, tasks and resources required to perform Software Price Benchmarking in the current DoD environment. It will also discuss how acquisition professionals must rely on their individual efforts to perform benchmarking as no automated tools or processes exist.</p>



Commercial Perspective on Software Intellectual Property Ownership Rights – White Paper

<http://www.esi.mil/contentview.aspx?id=754>

This paper will share the commercial buyer's perspective to answer the question of who should own the intellectual property (IP) rights to commercial software, derivative works in a commercial software application, and custom developed software.

WEB TOOLKITS



TOOL / ASSET TITLE & LINK	DESCRIPTION
<p>Software License Risk Assessment Tool</p> <p>http://www.esi.mil/contentview.aspx?id=675</p>	<p>DoD ESI Software License Risk Assessment Tool is a tool that was created to help DoD software buyers analyze a seller's proposed license agreement to determine the areas of risk that should be addressed in a negotiation, to initiate and document negotiations with software publishers, and reduce risk of wasteful spending, disruption to Government operations, and vulnerability to lawsuits, claims, and penalties. This tool will also help contracting officers rationalize their positions using objective methods</p>



Best Value Toolkit

<http://www.esi.mil/bestvaluetoolkit/index.html>

This DoD ESI web-based Best Value Toolkit provides a simple roadmap to guide DoD IT buyers through available ESI resources to ensure they obtain Best Value on behalf of the government for common Commercial-off-the-Shelf (COTS) software acquisition scenarios. It presents commercial best practices combined with DoD ESI's many years of experience in commercial software acquisition in the DoD. It has been designed for use in a variety of situations - use as appropriate and customize its tools to fit your situation.



Software as a Service (SaaS) Toolkit

http://www.esi.mil/saas_toolkit/index.html

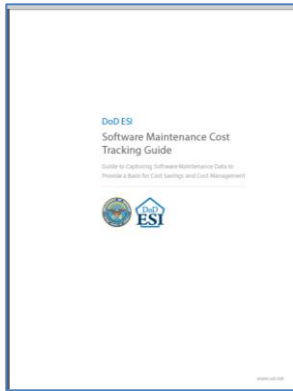
Software as a Service (SaaS) is an emerging software delivery model in the commercial industry and government enterprises. In order to educate DoD personnel on the basics of SaaS, DoD ESI developed the SaaS web-based toolkit which contains educational material on the SaaS delivery model, pricing, contracts, and analytical tools for DoD programs, contracts specialists, and interested personnel.



Financial Guide for Converting Perpetual Software Licenses to Software as a Service (SaaS)

<http://www.esi.mil/contentview.aspx?id=683>

This financial guide, complemented by its associated workbook, assists the reader in determining if it makes business sense to convert to Software as a Service (SaaS) or continue to operate under a Perpetual licensing arrangement. The workbook's methodology provides ways of estimating and comparing the Total Cost of Ownership of future operations under the two scenarios. Additionally, the Toolkit offers approaches for situations where the Publisher/License Grantor has discontinued Perpetual Licensing and is now only offering SaaS/Cloud offerings.



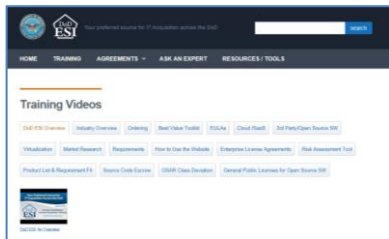
Software Maintenance Cost Tracking Guide

<http://www.esi.mil/contentview.aspx?id=713>

Due to the significant and increasing costs for annual software maintenance, this Cost Tracking Guide, in combination with its accompanying Excel Workbook, provides the reader a roadmap to identify, manage, and document Software Maintenance spending by capturing data. This information is then analyzed so that spending may be addressed from many different views, and potentially reduce these costs.

TRAINING VIDEO TUTORIAL SERIES

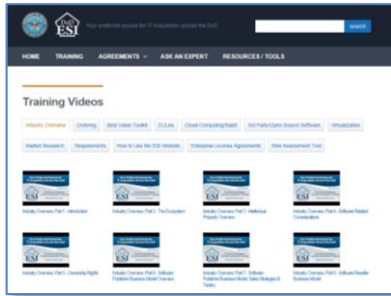
These brief training videos enable viewers to increase their knowledge and awareness of COTS software acquisition. They are meant to supplement or refresh, but not replace, the formal classroom training. All videos listed below can be found at <http://www.esi.mil/videos.aspx>



DoD ESI: An Overview

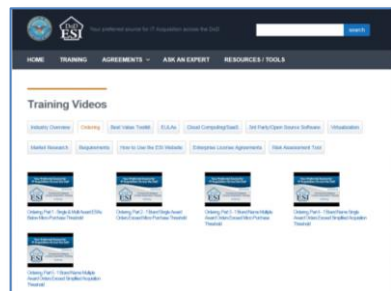
DESCRIPTION

This video provides a broad overview of DoD ESI, offers a look at its history, mission and milestones, and describes the benefits and tools it can offer Government agencies across the DoD to assist in acquiring Software, Hardware, and Services at pre-negotiated prices and Terms and Conditions to secure Billions of dollars in savings and cost-avoidance.



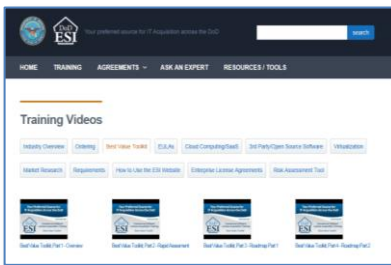
Video Tutorial Series: Industry Overview

DoD ESI developed this video tutorial series to introduce viewers to the IT Industry, covering software-related considerations such as intellectual property, ownership rights, and software publisher business models, sales strategies, and tactics.



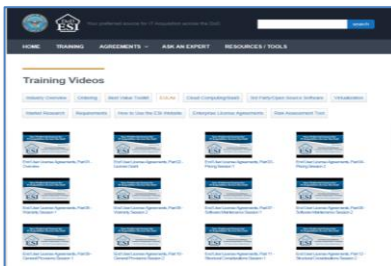
Video Tutorial Series: Ordering

DoD ESI developed this video tutorial series to instruct viewers on how to order from DoD ESI, covering common ordering scenarios based on estimated value, extent of competition, and number of ESAs carrying the required products.



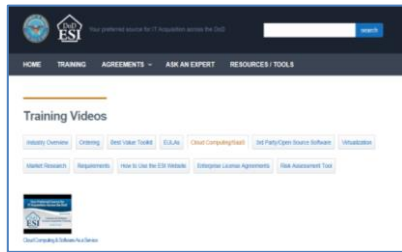
Video Tutorial Series: Best Value Toolkit

DoD ESI developed this video tutorial series to instruct viewers on how to maximize the usefulness of the DoD ESI Best Value Toolkit



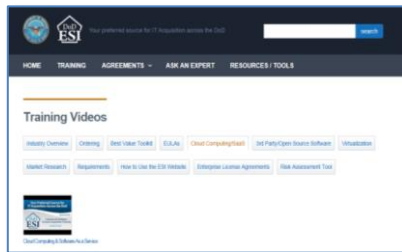
Video Tutorial Series: EULAs (End User License Agreements)

DoD ESI developed this video tutorial series to introduce viewers to End User License Agreements (EULAs) and covering key contractual clauses, such as license grants, pricing, warranty, and software maintenance.



Video Tutorial Series: Cloud/ SaaS (Software as a Service) Overview

DoD ESI developed this video tutorial series to introduce viewers to Cloud/ SaaS (Software as a Service)



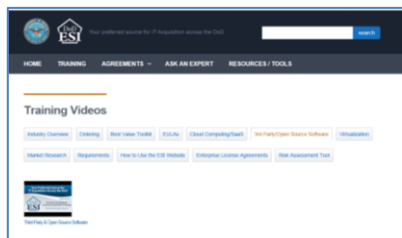
Video Tutorial Series: Cloud & SaaS SLAs (Service Level Agreements)

DoD ESI developed this video tutorial series to introduce viewers to Cloud & SaaS SLAs (Service Level Agreements)



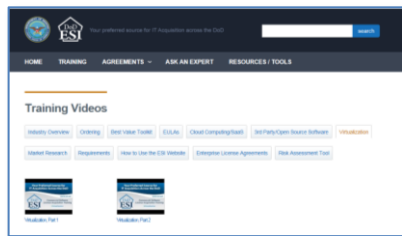
Video Tutorial Series: Cloud SaaS Agreement Key Clauses

DoD ESI developed this video tutorial series to introduce viewers to Cloud SaaS Agreement Key Clauses



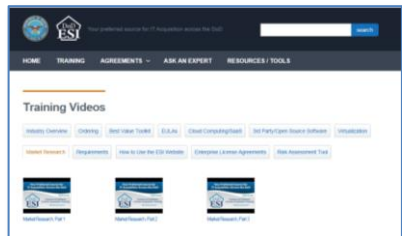
Video Tutorial Series: 3rd Party/ Open Source Software

DoD ESI developed this video tutorial series to introduce viewers to Third Party/Open Source Software.



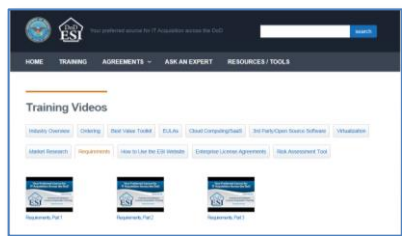
Video Tutorial Series: Virtualization

DoD ESI developed this video tutorial series to introduce viewers to Virtualization.



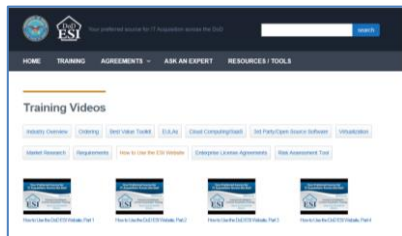
Video Tutorial Series: Market Research

DoD ESI developed this video tutorial series to introduce viewers to Market Research.



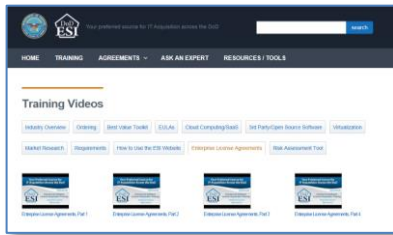
Video Tutorial Series: Requirements

DoD ESI developed this video tutorial series to introduce viewers to Requirements.



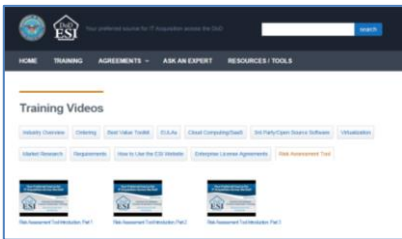
Video Tutorial Series: Using the DoD ESI Website

DoD ESI developed this video tutorial series to introduce viewers to using the DoD ESI Website.



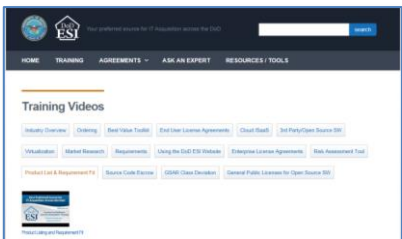
Video Tutorial Series: Enterprise License Agreements

DoD ESI developed this video tutorial series to introduce viewers to Enterprise License Agreements.



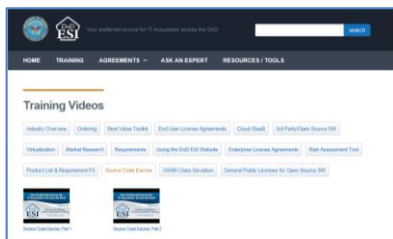
Video Tutorial Series: Risk Assessment Tool

DoD ESI developed this video tutorial series to introduce viewers to the DoD ESI Risk Assessment Tool.



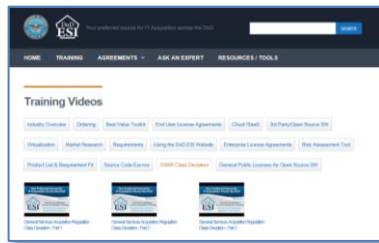
Video Tutorial Series: Product Listing and Requirements Fit

DoD ESI developed this video tutorial series to introduce viewers to Product Listing and Requirement Fit.



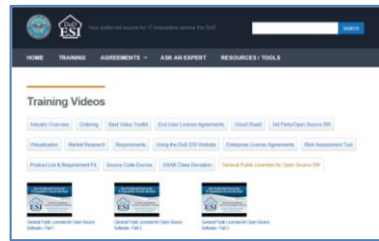
Video Tutorial Series: Source Code Escrow

DoD ESI developed this video tutorial series to introduce viewers to Source Code Escrow



Video Tutorial Series: General Services Acquisition Regulation Class Deviation

DoD ESI developed this video tutorial series to introduce viewers to General Services Acquisition Regulation Class Deviation



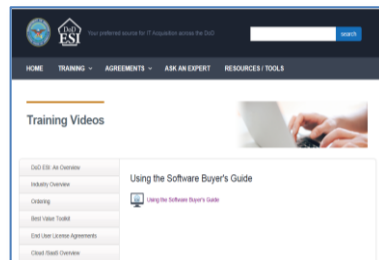
Video Tutorial Series: General Public Licenses for Open Source Software

DoD ESI developed this video tutorial series to introduce viewers to General Public Licenses for Open Source Software



Video Tutorial Series: Assembling the Buyer's Team

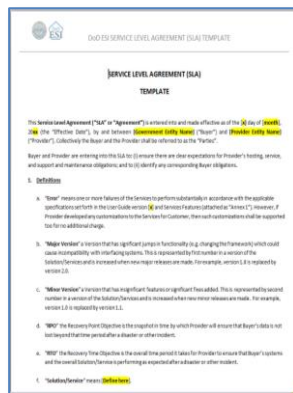
DoD ESI developed this video tutorial series to introduce viewers to Assembling the Buyer's Team



Video Tutorial Series: Using the Software Buyer's Guide

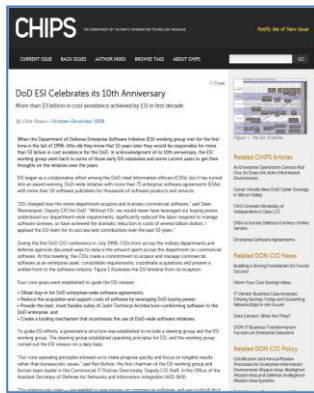
DoD ESI developed this video tutorial series to introduce viewers to using the DoD ESI Software Buyer's Guide, found at <http://www.esi.mil/contentview.aspx?id=741>

TEMPLATES



TOOL / ASSET TITLE & LINK	DESCRIPTION
<p>Service Level Agreement (SLA) Template</p> <p>http://www.esi.mil/Uploads/DoD_ESI_SLA_Template_April_28_2015.docx</p>	<p>This template was developed by DoD ESI for use by DoD customers when negotiating, establishing, and managing Service Level Agreements (SLAs) with software providers.</p> <p>*Please refer to SLA Template User Guide for using the SLA Template for software related services, including cloud-based services. It can be found at http://www.esi.mil/contentview.aspx?id=619</p>

OTHER ARTICLES, eNEWSLETTERS & TOOLS



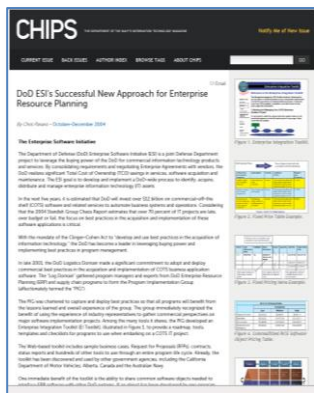
TOOL / ASSET

10th Anniversary Article (this article is found on the CHIPS website)

<http://www.doncio.navy.mil/CHIPS/ArticleDetails.aspx?ID=2752> -

DESCRIPTION

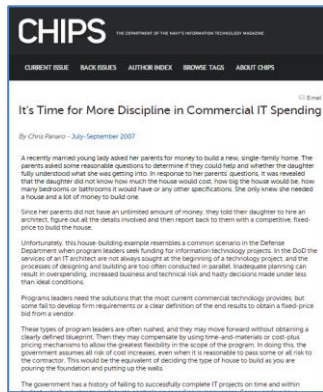
This October-December 2008 article in DoN CIO's CHIPS magazine celebrates DoD ESI's 10-Year Anniversary and highlights its many successes.



New Approach for Enterprise Resource Planning Article (this article is found on the CHIPS website)

<http://www.doncio.navy.mil/CHIPS/ArticleDetails.aspx?ID=3277>

This October-December 2008 article in DoN CIO's CHIPS magazine covers DoD's efforts to capture and deploy best practices so that all ERP programs will benefit from the lessons learned and overall experience of the group.



TOOL / ASSET

DESCRIPTION

Discipline in Commercial IT Spending Article (this article is found on the CHIPS website)

This July-September 2007 article in DoN CIO's CHIPS magazine that covers DoD's effort is a call to institute disciplined contracting and program management practices. Well-defined requirements must be included in a performance-based Statement of Work (SOW) or Statement of Objectives (SOO) to allow a vendor to propose a fixed-price bid for commercial IT services and solutions.

<http://www.doncio.navy.mil/CHIPS/ArticleDetails.aspx?ID=2915>



SaaS: Software as a Service Article (this article is found on the CHIPS website)

This April-June 2010 article in DoN CIO's CHIPS magazine address Software as a Service (SaaS), which has become a hot topic over the past few years. As a result of this heightened interest, the Department of Defense Enterprise Software Initiative (DoD ESI) developed the SaaS Toolkit to provide independent and unbiased educational materials for the DoD information technology acquisition and management community.

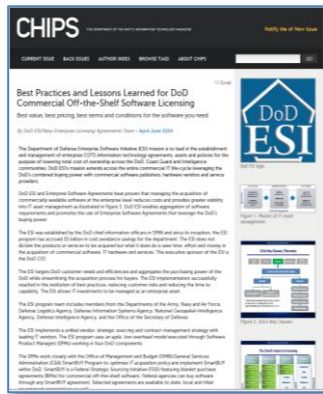
<http://www.doncio.navy.mil/CHIPS/ArticleDetails.aspx?ID=2448>



Commercial Software License Acquisition Training (this article is found on the CHIPS website)

This April 2014 article in DoN CIO's CHIPS magazine details DoD ESI's two-day on-site training courses which provide expert instruction from software licensing subject matter experts (SMEs) on negotiating terms and conditions for software license and maintenance agreements.

<http://www.doncio.navy.mil/CHIPS/ArticleDetails.aspx?ID=5021>



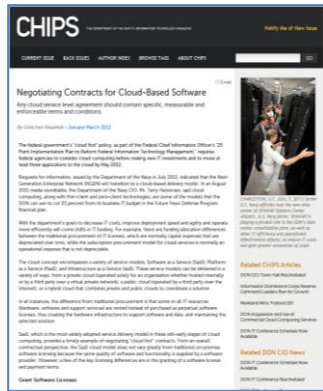
TOOL / ASSET

DESCRIPTION

Best Practices and Lessons Learned for DoD Commercial Off-the-Shelf Software Licensing
(this article is found on the CHIPS website)

This April-June 2014 article in DoN CIO's CHIPS magazine details best practices and lessons learned for DoD commercial off-the-shelf (COTS) software licensing.

<http://www.doncio.navy.mil/CHIPS/ArticleDetails.aspx?ID=5009>



Negotiating Contracts for Cloud-Based Software
(this article is found on the CHIPS website)

This January-March 2012 article in DoN CIO's CHIPS magazine details Negotiating tips for contracts for Cloud-based Software.

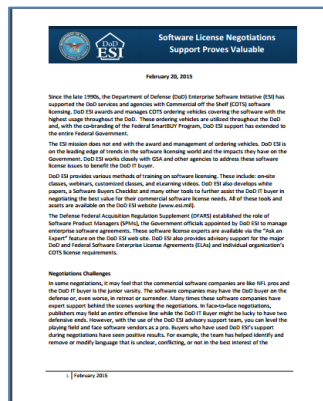
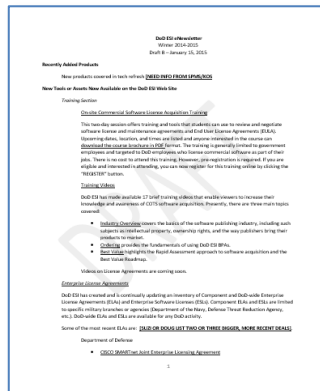
<http://www.doncio.navy.mil/CHIPS/ArticleDetails.aspx?ID=3573>



Education, Support, and Tools Portfolio Brochure

This brochure provides a visual mapping of the tools and resources available on the DoD ESI Website, and is meant to complement our Catalog of Articles, White Papers, Newspapers, and other Tools found at <http://www.esi.mil/contentview.aspx?id=722>

<http://www.esi.mil/contentview.aspx?id=714>



TOOL / ASSET	DESCRIPTION
<p>eNewsletters</p> <p>(these are monthly eNewsletters that you may receive by signing up via Newsletter Signup, located at the bottom of our homepage at http://www.esi.mil)</p>	<p>DoD ESI publishes periodic eNewsletters that contain information on tools, templates, hot topics, and upcoming events.</p>
<p>Software License Negotiations Support Proves Valuable</p> <p>http://www.esi.mil/contentview.aspx?id=752</p>	<p>This article provides information on how DoD ESI is on the leading edge of trends in the software licensing world and the impacts they have on the Government.</p>